

MESIVTA OF CORAL SPRINGS

9670 NW 35TH ST

CORAL SPRINGS , FL 33065

September 25, 2013

Request for Review

To: Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

445 12th Street, SW

Washington, DC 20554

CC Docket No. 02-6

We are appealing our 471 application for funding requests 2279224, 2279240, 2279247, 2279260, 2279266, 2279268, & 2279273 of application 840123.

This applications was initially denied by USAC for the following: MRI: The discount for entity BAIS CHAYA DBA MESIVTA OF CORAL SPRINGS - BEN 16061894 was decreased from 90% to 20%. The applicant failed to supply documentation to support the requested discount. As result of this action, the shared discount was decreased from 90% to 20%. <<<<<<< DR1: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): make/model of equipment. <<<<<<< DR2: The FRN references a FCC Form 470 which has not been certified by the applicant. This is a violation of the competitive bidding Program rules. The FCC Form 470 Certification page must be completed to certify the entity's compliance with all Program rules. <<<<<<< DR3: The FRN is denied because the entities requesting service within the FRN, BAIS CHAYA DBA MESIVTA OF CORAL SPRINGS, does not meet the statutory definition of elementary and secondary schools to receive Schools and Libraries support. <<<<<<< DR: DR: Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded. Please see <http://www.universalservice.org/sl/> for further details.

This decision was appealed directly to USAC and we sent the PLA all missing documentations, but it appears that our last fax (June 10 2013) that we sent the documentations to validate our entity and the requested model numbers was not received by USAC. We received a letter from USAC dated July 30 denying our appeal. The letter claims that we did not provide documentation to validate our entity and we did not provide requested model numbers. We are including in this appeal the letter we faxed USAC that we believe answered USAC questions regarding our entity and the model numbers.

Carol Stav, Executive Director

my

Florida Department of **EDUCATION**

Office of Independent Education & Parental Choice

Florida Private Schools Directory**All Private Schools****Bais Chaya Preparatory Academy (5180)**

8100 N. University Drive
Tamarac FL 33321
954-788-8781

Sara Horwitz

office@baischaya.com

Yes No Yes 09-12 Girls Jewish No

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Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send
electronic mail to this entity. Instead, contact this office by phone or in writing.

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

DOCUMENT# G08123900198

Fictitious Name to be Registered: MESIVTA OF CORAL SPRINGS

Mailing Address of Business: 8100 N. UNIVERSITY DRIVE
SUITE 101
TAMARAC, FL 33321

Florida County of principal place of business: MULTIPLE

FEI Number:

**FILED
May 02, 2008
Secretary of State**

Owner(s) of Fictitious Name:

BAIS CHAYA, INC.
8100 N. UNIVERSITY DRIVE SUITE 101
SUITE 101, FL 33321 US
Florida Registration Number: N05000006471
FEI Number: 20-3057194

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

SAMANTHA SIMONS, ATTORNEY - IN - FACT

05/02/2008

Electronic Signature(s)

Date

Certificate of Status Requested ()

Certified Copy Requested ()



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2012-2013

July 30, 2013

Carol Stav
Bais Chaya DBA Mesivta of Coral Springs
1500 North State Road #7
Margate, FL 33063

Coral Springs, FL 33065

Re: Applicant Name: BAIS CHAYA DBA MESIVTA OF
CORAL SPRINGS
Billed Entity Number: 16061894
Form 471 Application Number: 840123
Funding Request Number(s): 2279224, 2279240, 2279247, 2279260, 2279266,
2279268, 2279273
Your Correspondence Received: April 04, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2279224, 2279240, 2279247, 2279260, 2279266,
2279268, 2279273

Decision on Appeal: **Denied**

Explanation:

- USAC has given you an opportunity to provide additional documentation on appeal to enable USAC to appropriately revise your funding request and you failed to do so. Program Compliance made initial contact with you on May 28, 2013, via e-mail and fax and asked you to provide documentation to determine the eligibility of Bais Chaya DBA Mesivta of Coral Springs, BEN 16061894 to receive discounted services under the Schools and Libraries support mechanism. Program Compliance also asked you to provide the make and model number of

the equipment, equipment SKU number, server functionality and additional information regarding the PBX. As you failed to respond, Program Compliance sent you a second request dated May 4, 2013. This request reminded you that the response due date was approaching. Since you failed to provide additional documentation within the prescribed timeframe, your appeal is denied.

- USAC Schools and Libraries Division oversees the administration of the E-rate Program and has the authority to make decisions concerning the administration of the application process, including activities to ensure compliance with Federal Communications Commission rules and regulations. *See* 47 C.F.R. sec. 54.705(a)(1)(iii). To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information before it. *See* Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically, applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006). *See also* SLD section of the USAC website, Reference Area, "Deadline for Information Requests," www.usac.org/sl. For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant is provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.
- FCC rules provide that only schools meeting the statutory definition of "elementary school" or "secondary school" as defined in section 47 C.F.R. sec. 54.500(c) or (k) and not excluded under paragraphs (a)(2) or (a)(3) of this section shall be eligible for discounts on telecommunications and other supported services. *See* 47 C.F.R. sec. 54.501(a)(1). The FCC has defined a school as including individual schools, school districts, and consortia of schools and/or school districts. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9002, FCC 97-157 para. 425, n.1087 (rel. May 8, 1997). An "elementary school" means an elementary school as defined in 20 U.S.C. § 7801(18), a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. A "secondary school" means a secondary school as defined in 20 U.S.C. § 7801(38), a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law except that the term does not include any education beyond grade 12. *See* 47 C.F.R. sec. 54.500(c) and (k). The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of

notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, NM et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Carol Stav
Bais Chaya DBA Mesivta of Coral Springs
1500 North State Road #7
Margate, FL 33063

Billed Entity Number: 16061894
Form 471 Application Number: 840123
Form 486 Application Number:

MESIVTA OF CORAL SPRINGS

9670 NW 35TH ST

CORAL SPRINGS , FL 33065

June 10, 2013

Jose Diaz

Post Commitment Appeals Reviewer

30 Lanidex Plaza West | Parsippany, NJ 07054

T: 800.200.0818 | M: 973.581.5141 | F: 973.599.6525

jdiaz@sl.universalservice.org

Please See Enclosed Information Regarding E-rate Application 840123

- Please Note Mesivta of Coral Springs operates as a DBA of Rohr Bais Chaya. Please see enclosed document. I am also attaching the printout from the FDOE for Bais Chaya.

On your Funding Year 2012 FCC Form 471 application number 840123, FCC Form 470 # 309590000956441 is referenced as the FCC Form 470 that established the 28-day competitive bidding process for FRN 2279224, 2279240, 2279247, 2279260, 2279266, 2279268, 2279273. Our records do not include a signed Certification page for this FCC Form 470.

Is this the establishing FCC Form 470 for this FCC Form 471?

- . ☒ Yes
- Please See Attached 470 Certification Page.

On your Funding Year 2012 FCC Form 471 Application Number 840123, FRN 2279224 for Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process is not sufficient to determine the eligibility of your request(s).

Please provide the make and model number of line item "24 Port Power over EthernetCooper Gigabit Ethernet."

Dell PowerConnect 6224P

Please provide the SKU number for line item SonicWall NSA 3500 Firewall Unified Threat.

01-SSC-7016

On your Funding Year 2012 FCC Form 471 Application Number 840123, FRN 2279240 for Basic Maintenance of Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process is not sufficient to determine the eligibility of your request(s).

Please provide the model number of the Panasonic Phone System.

Panasonic TDE-200 PBX

Please provide the model number of the Panasonic Voice Mail System.

Panasonic KX-TVA200

Please provide the make and model of line item "PBX System Operating Software & Firmware Maintenance"

This is for the Operating system of the above Panasonic PBX and Voice Mail.

The documentation provided in the Item 21 Attachments and during the appeal process included possible ineligible items in your Panasonic/Voice Mail system:

Please answer the following:

- The following components are not eligible. Please provide the costs associated if these components are included in your request.

Automatic Call Distribution (ACD) \$.00 (not Included)

Music-on-Hold \$.00 (not Included)

Intercom Components \$.00 (not Included)

Paging Components \$.00 (not Included)

- Only one console was included.

On your Funding Year 2012 FCC Form 471 Application Number 840123, FRN 2279247 for Basic Maintenance of Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process is not sufficient to determine the eligibility of your request(s).

- Please provide the make and model number of the wiring.

Cat 5e cable run

Based on the review of your Funding Year 2012 FCC Form 471 840123, for FRN 2279260 for Basic Maintenance of Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process was not sufficient to determine the eligibility of your request(s).

1. Please provide a description that indicates how the requested server(s) will be used.

2. Please circle the function(s) below indicating how each of your requested servers are being used. Please also include the percentages, if any, used for items (e) through (k), which are ineligible functions. Items (e) through (k) must be cost allocated from your funding request to ensure funding is only requested for eligible server uses.

a. **DHCP Server**

b. **Domain Name Server (DNS)**

Based on the review of your Funding Year 2012 FCC Form 471 840123, for FRN 2279260 for Basic Maintenance of Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process was not sufficient to determine the eligibility of your request(s).

Please provide the make and model of line item "Windows System Operating Software & Firmware Maintenance"

Microsoft Windows 2003.

Based on the review of your Funding Year 2012 FCC Form 471 840123, for FRN 2279266 for Basic Maintenance of Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process was not sufficient to determine the eligibility of your request(s).

Please provide the make and model number of line item "24 Port Power over EthernetCooper Gigabit Ethernet."

Dell PowerConnect 6224P

Please provide the SKU number for line item SonicWall NSA 3500 Firewall Unified Threat.

01-SSC-7016

Based on the review of your Funding Year 2012 FCC Form 471 840123, for FRN 2279273

for Basic Maintenance of Internal Connections, the documentation you provided in your Item 21 Attachments and during the appeal process was not sufficient to determine the eligibility of your request(s).

Please provide the make and model number of line item "PBX System Operating Software & Firmware Maintenance."

This is for the Operating system of the above Panasonic PBX and Voice Mail.

Carol Stav